



Order Filed on November 8, 2021  
by Clerk  
U.S. Bankruptcy Court  
District of New Jersey

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY

**Caption in Compliance with D.N.J. LBR 9004-1(b)**

Robertson, Anschutz, Schneid, Crane & Partners, PLLC  
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Fairfield, New Jersey 07004  
Phone: (973) 575-0707  
Fax: (973) 404-8886  
Attorneys for Secured Creditor  
Shauna M. Deluca, Esq.  
NJ Bar ID: 260772018

In Re:

**Daryl L Smith,**

**Debtor.**

Case No.: 18-10180-VFP

Chapter: 13

Hearing Date: November 4, 2021

Judge: Vincent F. Papalia

**ORDER RESOLVING SECURED CREDITOR'S MOTION FOR RELIEF FROM THE  
AUTOMATIC STAY**

The relief set forth on the following pages, numbered two (2) through three (3), is hereby  
ORDERED.

**DATED: November 8, 2021**

  
\_\_\_\_\_  
**Honorable Vincent F. Papalia**  
**United States Bankruptcy Judge**

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Secured Creditor: DEUTSCHE BANK TRUST COMPANY AMERICAS, AS TRUSTEE FOR RESIDENTIAL ACCREDIT LOANS, INC., MORTGAGE ASSET-BACKED PASS-THROUGH CERTIFICATES, SERIES 2007-QS3

Secured Creditor's Counsel: Robertson, Anschutz, Schneid, Crane & Partners, PLLC

Debtor's Counsel: Robert C. Nisenson, LLC

Property Involved ("Collateral"): 92 Roland Avenue, South Orange Twp, New Jersey 07079

Relief sought: ■ Motion for relief from the automatic stay

For good cause shown, it is **ORDERED** that Secured Creditor's Motion is resolved, subject to the following conditions:

1. Status of post-petition arrearages **as of November 2, 2021**:

- The Debtor is overdue for 06 months from 06/01/2021 through 11/01/2021.
- The Debtor is overdue for 04 payments from 06/01/2021 through 09/01/2021 at \$3,770.31 per month.
- The Debtor is overdue for 02 payments from 10/01/2021 through 11/01/2021 at \$3,529.87 per month.

Funds Held In Suspense \$3,352.43

Total Arrearages Due \$18,788.55

2. Debtor must cure all post-petition arrearages, as follows:

- Beginning on 12/01/2021, regular monthly mortgage payments shall continue to be made in the amount of \$3,529.87. This amount is subject to change based on escrow and/or interest rate adjustments.
- The amount of \$18,788.55 shall be capitalized into the Debtor's Chapter 13 plan. Debtor must file a Modified Plan, if not already completed, within fifteen (15) days of the entry of this Order. The Debtor's monthly payment to the Chapter 13 Trustee will be modified to an amount necessary to appropriately fund the plan in accordance with this order.

3. Payments to the Secured Creditor shall be made to the following address(es):

- Regular monthly payment: PHH Mortgage Services  
Mailstop SBRP  
PO Box 5469  
Mt. Laurel, NJ 08054

4. In the event of Default:

■ Should the Debtor(s) fail to make any of the above captioned payments, or if any regular monthly mortgage payment should become more than thirty (30) days late or if Debtor(s) fails to comply with any terms of this Order, counsel shall file a Certification of Default with the Court. A copy of the Certification shall be sent to the Chapter 13 Trustee, the Debtors, and Debtors' attorney and the court shall enter an Order granting relief from the Automatic Stay. Debtor shall pay \$200.00 for each notice of default issued by Secured Creditor as a result of the Debtor's failure to comply with this Order.

■ In the event the Debtor(s) convert(s) to a Chapter 7 during the pendency of this bankruptcy case, the Debtor(s) shall cure all arrears within ten (10) days from the date of conversion in order to bring the loan contractually current. Should the Debtors fail to bring the loan contractually current, counsel shall file a Certification of Default with the Court, a copy of the Certification shall be sent to the Chapter 13 Trustee, Chapter 7 Trustee, the Debtors, and Debtors' attorney and the court shall enter an Order granting relief from the Automatic Stay. Debtor shall pay \$200.00 for each notice of default issued by Secured Creditor as a result of the Debtor's failure to comply with this Order.

■ This order survives any loan modification agreed to and executed during the instant bankruptcy. If any regular mortgage payment due after the execution of a loan modification is more than thirty (30) days late, counsel shall file a Certification of Default with the Court a copy of the Certification shall be sent to the Chapter 13 Trustee, the Debtors, and Debtors' attorney and the court shall enter an Order granting relief from the Automatic Stay. Debtor shall pay \$200.00 for each notice of default issued by Secured Creditor as a result of the Debtor's failure to comply with this Order.

5. Award of Attorneys' Fees:

- The Applicant is awarded attorney fees of \$350.00 and costs of \$188.00.  
The fees and costs are payable:  
■ Through the Chapter 13 plan.

In re:  
Daryl L Smith  
Debtor

Case No. 18-10180-VFP  
Chapter 13

## CERTIFICATE OF NOTICE

District/off: 0312-2  
Date Rcvd: Nov 08, 2021

User: admin  
Form ID: pdf903

Page 1 of 2  
Total Noticed: 1

The following symbols are used throughout this certificate:

Symbol	Definition
+	Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Nov 10, 2021:

Recip ID	Recipient Name and Address
db	+ Daryl L Smith, 92A Roland Avenue, South Orange, NJ 07079-1822

TOTAL: 1

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.  
Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI).

NONE

## BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, \*duplicate of an address listed above, \*P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

NONE

## NOTICE CERTIFICATION

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Nov 10, 2021

Signature: /s/Joseph Speetjens

## CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on November 8, 2021 at the address(es) listed below:

Name	Email Address
Aleisha Candace Jennings	on behalf of Creditor Ocwen Loan Servicing LLC ajennings@raslg.com
Aleisha Candace Jennings	on behalf of Creditor Deutsche Bank Trust Company Americas ajennings@raslg.com
Aleisha Candace Jennings	on behalf of Creditor Deutsche Bank Trust Company Americas as Trustee for Residential Accredit Loans, Inc., Mortgage Asset-Backed Pass-Through Certificates, Series 2007-QS3 ajennings@raslg.com
Denise E. Carlon	on behalf of Creditor U.S. Bank National Association successor indenture trustee to Bank of America, N.A., successor by merger to LaSalle Bank National Association, as Indenture trustee for Home Equity Loan Trust 2007-HS dcarlon@kmlawgroup.com, bkgroup@kmlawgroup.com
Kevin M. Buttery	on behalf of Creditor DEUTSCHE BANK NATIONAL TRUST COMPANY kbuttery@moodklaw.com

District/off: 0312-2

User: admin

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Total Noticed: 1

Kevin M. Buttery

on behalf of Creditor Deutsche Bank Trust Company Americas kbuttery@moodklaw.com

Laura M. Egerman

on behalf of Creditor DEUTSCHE BANK NATIONAL TRUST COMPANY bkyecf@rasflaw.com  
bkyecf@rasflaw.com;legerman@rasnj.com

Marie-Ann Greenberg

magecf@magtrustee.com

Rebecca Ann Solarz

on behalf of Creditor U.S. Bank National Association successor indenture trustee to Bank of America, N.A., successor by merger  
to LaSalle Bank National Association, as Indenture trustee for Home Equity Loan Trust 2007-HS rsolarz@kmlawgroup.com

Robert C. Nisenson

on behalf of Debtor Daryl L. Smith r.nisenson@rcn-law.com  
doreen@rcn-law.com;g2729@notify.cincompass.com;nisensonr70983@notify.bestcase.com

Shauna M Deluca

on behalf of Creditor Deutsche Bank Trust Company Americas as Trustee for Residential Accredited Loans, Inc., Mortgage  
Asset-Backed Pass-Through Certificates, Series 2007-QS3 sdeluca@raslg.com

Shauna M Deluca

on behalf of Creditor Deutsche Bank Trust Company Americas sdeluca@raslg.com

Sindi Mncina

on behalf of Creditor Deutsche Bank Trust Company Americas as Trustee for Residential Accredited Loans, Inc., Mortgage  
Asset-Backed Pass-Through Certificates, Series 2007-QS3 smncina@raslg.com

Sindi Mncina

on behalf of Creditor DEUTSCHE BANK NATIONAL TRUST COMPANY smncina@raslg.com

U.S. Trustee

USTPRegion03.NE.ECF@usdoj.gov

TOTAL: 15